

Scurr, Sheri

From: Gina Newby <ginanewby@msn.com>
Sent: Tuesday, May 15, 2018 4:46 PM
To: Scurr, Sheri
Subject: Re: SAVA and water/sewer district elections

Sheri,

Though I had been planning on attending the meeting, I am involved with emergency response regarding the current flooding situation in the county so I will not be attending this meeting. My apologies.

Because my comments would basically reflect my previous submission, can these previous comments be re-submitted for the May 16 meeting as well? That submission is included below.

My apologies again but I am happy to answer any questions by phone or email if needed. Let me know if there is anything else I can do. Thank you so much for your help these last few months!

Subject: Public Comment regarding Issues with 7-13-2204, 7-13-2212, and 7-13-2214.

My name is Gina Newby. I live in Helena, MT in the North Star residential subdivision which currently contains 272 developed lots (containing over 400 registered voters). I am representing the homeowners of said subdivision. I lead a small committee working without pay (or other resources) to try to fix a complicated issue regarding our wells involving the subdivision's developers who currently own our water and sewer utility as a private entity. We have been feverishly working to, among other things, form a water and sewer district in our subdivision.

I wanted to bring to your attention the difficulties we've encountered with 7-13-2204, 7-13-2212, and 7-13-2214. This law currently states that a petition and the election to form a water and sewer district requires signatures and votes from 'qualified electors' instead of registered voters. We get many questions as to why this change occurred. The effort, time, and other resources required to search out, contact, inform, and encourage voter participation of all subdivision residents and property owners ages 18 and up is beyond our capabilities.

The election requires 40% approval from qualified electors. Registered voter turnouts of that percentage are difficult enough to achieve, but to add qualified electors makes the probability of obtaining 40% approval extremely low. The difficulty is compounded in determining actual voter percentages as the county faces the same dilemma we do - how do we figure out actual numbers? How do we know if we received a sufficient number of votes?

In summary, though we are unsure of the intentions of this law and why it was changed from 'registered voters' to 'qualified electors', we do know it has made this process exceedingly difficult for us and very discouraging. We really need to form a water/sewer district but this law makes it extremely difficult.

Sincerely,

Gina Newby
1130 Antares Road
Helena, MT
ginanewby@msn.com

From: Scurr, Sheri <sscurr@mt.gov>
Sent: Wednesday, March 21, 2018 6:04 PM
To: DUFRECHOU, AUDREY; PLETTENBERG, REGINA; Siaperas, Shantil; ebryson@mtcounties.org; Gina Newby
Cc: Aldrich, Ginger; Sen. Sue Malek (senatormalek@gmail.com)
Subject: SAVA and water/sewer district elections

Hi Audrey and Regina (county election officials) and Shantil, Eric (MACo) and Gina:

At its March 6 meeting, SAVA received public comment from Gina Newby related to a difficulty encountered in determining the total number of "qualified electors" for water and sewer district petitions and elections. Part of the problem is with changes made in HB 84 during the 2015 session and by an amendment to HB 83 during the 2017 session. Other aspects of the problem simply relate to the old language in these statutes. Audrey (election supervisor for Lewis and Clark County) also provided an email to Sen. Malek further explaining the problem.

SAVA decided to place this topic on the agenda for SAVA's next meeting, May 16. SAVA also asked that I provide a briefing explaining the issue further and providing options for a potential committee bill.

Attached is a copy of the draft agenda for May 16. We will be starting at 9 a.m. and be in Room 132 of the Capitol.

This topic is up first thing. I will be presenting a short briefing. Then, you (i.e., Gina and representatives of MACo and county election officials and any other interested persons) are invited to provide public comment about whether and how you think the committee should proceed. Also, it would be helpful to have you available to answer questions.

Also attached is an initial draft of my issue brief.

The process is that if SAVA requests a bill draft at the May 16 meeting, I would work with you/stakeholders (based on guidance from SAVA) to draft the bill. The initial bill draft would have a hearing at the July SAVA meeting and then the bill would be finalized at the August SAVA meeting. This should give everyone adequate time to vet the bill and articulate to SAVA any concerns and request changes.

Could you please review the attached issue brief and let me know if you have any concerns or suggestions? Also, could you please let me know if you will be able to attend the May 16 meeting to offer public comment and/or be available for questions? And, is there anyone else I should be reaching out to on this topic?

Thanks and best regards.

(PS – I will be out of the office until April 3, but look forward to further coordination with you upon my return.)

Sheri S. Scurr
Research Analyst
Room 136-C, Capitol Building
Montana Legislative Services Division
(406) 444-3596